IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1996 OF 2007

Smt. Kamal Ramchandra Chachar and others ..Petitioners
v/s.
State of Maharashtra and others .. Respondents

Mr. A.V. Anturkar with Mr. Sugandh Deshmukh for the petitioners.
Mr. P.P. Kakade, Assistant Government Pleader for the respondent Nos.1 to 3.
Mr. R.S. Kate for the respondent No.4.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 26TH MARCH, 2007

P.C.

The public purpose for which the land has been acquired is for the road. On behalf of the petitioners, who have interest in the land notified under survey Nos.563 and 572, it is submitted that though they had filed objection contending that there was an access for the area in respect of which, the land has sought to be acquired, that has not been considered. Secondly, it is submitted that the land divides the property and, as such, ought to have been shifted.

2. Once the acquisition is for the road, the presumption is that it is for the public purpose. The mere fact that in the report prepared under section 5-A, there may be omission in dealing with the contention that the other roads by itself cannot result in declaring the land for public purpose under section 6 to be void. Factually, it can be

seen that there is a residential area in respect of which the road is sought to be provided. Once it be a road, in terms of the various instructions issued from time to time, it has to be a straight road as far as possible.

3. Considering the above, contentions, in our opinion, this is not a fit case to interfere in extraordinary jurisdiction. Hence the petition is rejected.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)